

CHARTER COMMISSION

April 30, 2003

Following Public Hearing

Chairman Dykstra called the meeting to order.

The Clerk called the roll.

Present: Leona Dykstra, Bob Shaw, Donna Soucy, Brad Cook, Patrick Duffy,
Keith Hirschmann, Leo Pepino, Nancy Tessier, Michael Wihby

Messr: Deputy Solicitor Arnold

Chairman Dykstra addressed item 3 on the agenda:

Minutes of meeting held April 16, 2003.
(Forwarded under separate cover).

On motion of Commissioner Duffy, duly seconded by Commissioner Cook, it was voted to accept the April 16, 2003, minutes.

Chairman Dykstra addressed item 4 on the agenda:

Discussion regarding legal services for Charter review.

Chairman Dykstra stated I'm going to have Carol address it. As you know, we did put an ad in the paper looking for someone involved with municipal law to help review this Charter, so Carol could you address that please.

Deputy Clerk Johnson stated Madame Chairman, the Clerk would advise that we did place the ad in the paper. The closing date was Monday. We had left what we believed to be sufficient time. There was no response to the ad whatsoever, so what we have done for you at this point is provided you a listing of the municipal and government law section of the Bar Association for the State of New

Hampshire because that was we felt a good place to start. Knowing that it was kind of putting the Commission in a circumstance, I also did review the listing of the attorneys that were listed on this to see if there were any that we were familiar with at all. On the first page, there is Bernard Campbell. He was a former counsel for the tax collectors and I know for the town of Salem. We have William Drescher who is a Justice in Milford District Court and represented several towns during the course of the years. There is a firm in Exeter of Tucker and Ciandella. There is Attorney Ciandella, Attorney Tucker, and Attorney Ratigan all specializing in municipal law. They represent many towns as well. Donahue is also part of that same firm. Peter Loughlin who is on the next page is out of the Portsmouth area. He specialized in municipal law as well. He's authored a couple of books on local government law and New Hampshire municipal law. Barton Mayer is a past counsel to the Municipal Association in Concord. Tucker is also part of that firm in Exeter, and the last would be H. Bernard Waugh. He's past councilor to the New Hampshire Municipal Association. He's now out of the Lebanon area. Those were ones that we were familiar with. I know that there are a couple of attorneys on the Commission. Perhaps they know of others. You can proceed any way you want. At least I knew that these people had some extensive experience in municipal law, and I guess that's the best I could suggest.

Commissioner Cook stated every one of the names that the Clerk mentioned appear to me to be qualified to do this task. Just to remind the Commission what this task is. This task is to read the Charter which has already been reviewed by the people in the various places we've sent it to in Concord who have sent back their suggestions and to certify that what we have done complies with law. It's not to rewrite it. It's not to do a lot of other things. Any one of those people qualifies. I'm a little reluctant for us to sit here and throw darts at a dart board. It would seem to me that the people...I happen to know one of the people. I'd rather not share it on television, but one of the people that was mentioned is I believe quite ill, so I will share that with the Clerk later, but it would be my suggestion that between now and next Wednesday night that the Clerk could contact the firms that were mentioned see a) if they're interested, and b) on what basis they'd do it, then we'd have a little more knowledge than sit here and say that name sounds familiar, cause I know Carol is absolutely right. She's familiar with these people. I'm familiar with them. Some of them in a couple of the firms that are represented on the list but were not mentioned would have a conflict in the sense that they represent another party who's not adverse necessarily but at least involved in things with the City or the School District. My suggestion would be that Carol and/or the City Solicitor's office on our behalf contact the I think four or five firms that were represented by the discussion by telephone, see if they're interested, on what basis they'd do it, and then bring that information to us next week.

Chairman Dykstra stated I think that's an excellent idea. I really do. Does anybody have a problem with that at all? Okay, so Carol, could you do that for the next meeting which is going to be May 7th?

Deputy Clerk Johnson stated we can approach them and see if any of them are interested in doing that, and then we can bring that back. Again, if we don't find anybody there, we'll go further into the list.

Chairman Dykstra stated at least we'll know if they're interested and that kind of will help us there. Basically discussing the proposed Charter, it is kind of late so we probably will do that at the next meeting if that's okay.

Commissioner Duffy stated I would agree with that Madame Chair. I just would like to see whether or not we can firm up the remaining dates. That's item six on the agenda.

Chairman Dykstra stated we are going to skip over five until the meeting which is May 7th at 5 o'clock. Then, we are going to have another one on the 21st. We're going to skip one week, and if we need to, we'll have one on the 28th. We have those three, cause we have till June what. June 18th? When is the deadline here?

Deputy Clerk Johnson responded June 18th is the deadline to have it completed and submitted. I would also...I just want to make sure the Commission doesn't adjourn. I am giving you two extra handouts, and it's not for this meeting. It's for the next one, but just so that you'll know basically they're drafts and proposals of what we're going to suggest at the next meeting, so perhaps you can review them in between.

Chairman Dykstra stated and at that next meeting, we did have testimony as I mentioned before from the tax collector representing all the departments, and the four things that they certainly needed to look at and other people testifying. Will we have that available? Of course, it probably will be in the minutes, but is there any way that you possibly could get together what their problems were and changes like even with that other gentleman with the economic development. There are certain things that had to be changed.

Deputy Clerk Johnson stated some of that is addressed already in the handout that you just received. We can try and draw up a listing of what was stated.

Chairman Dykstra stated put something together with some of the testimony on some of the things that they basically had problems with that we can address. If that's okay, that would be helpful to us next week. Okay, is there anything else that needs to come before this Commission.

Deputy Clerk Johnson stated I think you wanted to give out the dates.

Chairman Dykstra stated yes, it was May 7th and May 21st and possibly the 28th if we need it.

There being no further business to come before the Commission, on motion by Commissioner Duffy, duly seconded by Commissioner Soucy, it was voted to adjourn.

Respectfully submitted,

Deputy City Clerk

Approved for Commission: _____
Donna M. Soucy, Secretary